

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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KENNETH HATLEN,

Plaintiff,

Case No. 3:12-cv-00534-MMD-WGC

v.

GREG COX, et al.,

Defendants.

ORDER

The Court has set a hearing on Defendants' Motion for Summary Judgment (dkt. no. 411). (Dkt. no. 488.) Defendants argue that Plaintiff failed to exhaust his administrative remedies before initiating this action. In light of the number of counts in the operative complaint and the number of grievances at issue, the Court has prepared the attached chart to track the grievances. The Court has questions about the status of the grievances identified in the attached chart as of the date this action was initiated. The parties should be prepared to address these questions.

DATED THIS 18<sup>th</sup> day of September 2015.



MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE

<b>Count Number</b>	<b>Constitutional Allegation</b>	<b>Against which Defendants</b>	<b>Applicable Grievance Number</b>	<b>Resolution of Grievance?</b>
<b>1</b>	8th Amendment conditions of confinement	Rose, Cox, Walsh	2006-29-41840	Rejected at the informal level
			2006-29-41995	Rejected at the informal level
<b>2</b>	8th Amendment failure to protect	Neubuar, John Doe 1	2006-29-41833	Rejected at the informal level
	8th Amendment medical claims	Dr. Mar, Ortiz, Foster, Walsh, Cox	2006-29-45887	Rejected at the informal level
	Plaintiff claims that grievance is associated with Count 2		2006-26-41865	Rejected at the informal level
<b>3</b>	8th Amendment failure to protect	Rickman, Kirkpatrick, Tice, Afeaki, John Doe 2,	2006-29-42179 2006-29-43868	Rejected at the informal level Rejected at the informal level
	8th Amendment medical claims	Cox, Inspector General, Foster, Ortiz, Walsh, Dr. Mar	2006-29-46457	Exhausted up to level 2 after suit was filed
			2006-29-44277	Rejected at the informal level
	Plaintiff claims that grievances are associated with Count 3		2006-29-44022	Rejected at the informal level
			2006-29-44600	Rejected at the informal level
			2006-29-44333	Rejected at the informal level
			2006-29-44331	Rejected at the informal level
<b>4</b>	1st Amendment retaliation	Walsh, Clark, Moody, Kirkpatrick, Moyle	2006-29-53270	Rejected at the informal level
	8th Amendment excessive force	Clark, Moody		
	8th Amendment medical claims	Walsh, Clark, Moody, Kirkpatrick, Moyle, Cox, Inspector General, Foster, Ortiz		

<b>Count Number</b>	<b>Constitutional Allegation</b>	<b>Against which Defendants</b>	<b>Applicable Grievance Number</b>	<b>Resolution of Grievance?</b>
5	1st Amendment retaliation	Moyle, Hannah, Keith, Mears, Iractabal	2006-29-45925	Rejected at the informal level
			2006-26-45899	Rejected at the informal level
			2006-29-48311	Rejected at the informal level
	14th Amendment due process claims	Moyle, Hannah, Keith, Mears, Iractabal, Rexwinkle, Abeloe, Henley, Cox, Inspector General, Foster, Ortiz	2006-29-45895	Answered at the informal level
6	8th Amendment medical claims and failure to protect	Cardella, Moore, Rose, Helen (Hubbard?), Walsh, Palmer, Keith, Ortiz, Cox, Foster	2006-29-43669	Rejected at the informal level
			2006-29-43872	Rejected at the informal level
7	8th Amendment failure to protect	Iractabal, Moyle, Keith, Hannah, Hughes, Mears,	2006-29-48311	Rejected at the informal level
			2006-29-45895	Rejected at the informal level
8	8th Amendment medical claims	John Doe 6, John Doe 7, John Doe 8, Jane Doe 9, Holmes, King (Dr. Koehn), Baker, Watson, Byrne	2006-29-51859	Record only shows denial of level 1 (Plaintiff disputes)
			2006-29-54302	Exhausted up to level 2
			2006-29-54311	Exhausted up to level 2
9	8th Amendment medical claims	Radford, Caldwell, King (Dr. Koehn), Baker, Watson, Byrne, Cox, Foster, Inspector General, Bannister		
10	8th Amendment medical claims	Parr, Sandoval, Cox, Foster, Inspector General, Baker, Watson, Byrne		
13	8th Amendment medical claims	Brown	2006-29-54542	Exhausted up to level 2

<b>Count Number</b>	<b>Constitutional Allegation</b>	<b>Against which Defendants</b>	<b>Applicable Grievance Number</b>	<b>Resolution of Grievance?</b>
<b>15</b>	1st Amendment claim (about mail)	Brown	2006-29-48187	Record only shows denial of level 1
			2006-29-47660	Rejected at the informal level
			2006-29-47659	Rejected at the informal level
			2006-29-47567	Exhausted up to level 2
<b>16</b>	1st Amendment claim (about religious practice)	Byrne, Cox, Foster, Inspector General, Baker, Watson, Sandoval	2006-29-53198	Exhausted up to level 2
			2006-29-46456	Rejected at the informal level
			2006-29-46633	Exhausted up to level 2
			2006-29-53370	Rejected at the informal level
			2006-29-53280	Rejected at the informal level
<b>18</b>	8th Amendment conditions of confinement	Byrne, Baker, Watson, Sandoval, Cox, Foster, Inspector General	2006-29-45845	Exhausted up to level 2 after suit was filed
			2006-29-51393	Exhausted up to level 2
			2006-29-46466	Exhausted up to level 2
<b>19</b>	8th Amendment conditions of confinement	Silverstein, Howard, Nakashima, Lawrence,	2006-29-52242	Rejected at the informal level
			2006-29-51627	Exhausted up to level 2
<b>21</b>	1st Amendment retaliation	Parr, Mitchell, Russell (Donnelly)		
	8th Amendment medical claims	Parr, Mitchell, Russell (Donnelly), King (Dr. Koehn), Jackson, Bryant, Kale, Jane Doe 13, Jane Doe 14, Baker, Watson, Byrne, Bannister, Cox, Foster, Inspector General		
<b>22</b>	8th Amendment medical claims	Montoya, Thompson		